

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKJOSEPH MURPHY et al.,

-against-

ALLIED WORLD ASSURANCE  
COMPANY (U.S.), INC. and ARCH  
INSURANCE COMPANYPlaintiffs,Defendants,

USDC SDNY
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DATE FILED: <u>6/4/08</u>

08 Civ. 4105 (GEL)  
08 Civ. 4196 (GEL)**ORDER**

On April 24, 2008, defendant Arch Insurance Company (“Arch”) was added, through the filing of an amended complaint, as a defendant in an adversary proceeding entitled Murphy et al. v. Allied World Assurance Company (U.S.), Inc., et al., Adv. Proc. No. 08-01133 (RDD), commenced in connection with the In re Refco, et al. bankruptcy proceeding, Case No. 05-60006 (RDD). On May 1, 2008, Arch filed a motion to withdraw the reference only as to the claims made against it in the adversary proceeding. (Doc. #1, 08 Civ. 4105.)

On May 2, 2008, Allied World Assurance Company (U.S.), Inc. (“AWAC”), Arch’s co-defendant in the adversary proceeding, filed a motion to withdraw the reference as to the entire adversary proceeding. (Doc. #1, 08 Civ. 4196.) Plaintiffs in the adversary proceeding consent to the withdrawal of the reference as to the entire adversary proceeding. Arch has also informed the Court that “it does not oppose the relief sought by AWAC” and acknowledges that “granting AWAC’s motion would render Arch’s motion moot.” (Ltr. from John H. Eickemeyer to the Court, May 9, 2008, at 1-2.)

Having carefully considered the parties’ submissions, it is hereby ORDERED that AWAC’s motion to withdraw the reference as to the entire adversary proceeding, Adv. Proc. No. 08-01133 (RDD), is granted. (Doc. #1, 08 Civ. 4196.) Arch’s motion to withdraw the reference as to the claims asserted against it is denied as moot. (Doc. #1, 08 Civ. 4105.)

SO ORDERED.

Dated: New York, New York  
June 4, 2008

  
GERARD E. LYNCH  
United States District Judge